Discrimination — 1912

NEGROES SHOULD BOYCOTT.

In the Cleveland *Gazette* of recent date appeared the following:

Many of our people have noticed that "the song shop" at the corner of Ontario street and the Public square, conducted by Jerome H. Remick and Company, New York City and Detroit, has a notice in their Ontario street window to all self-respecting members of our race to stay out of that "shop."

There are 20,000 Afro-Americans in this city and all are "musical." Stay out of that "song shop" until it shows more respect for us. Pass the word along to all you meet. New York and Detroit papers please republish this notice.

Instead of the Cleveland *Gazette* asking New York and Detroit papers to copy it should ask all the colored papers in the country to republish its article. Colored people in the United States are lovers of music and purchase annually hundreds of dollars worth of songs and instrumental numbers. That the Remick Company, the largest music publishing house in the country, gets a large share of our patronage cannot be denied. However, if it does not care to have our nickels and dimes in one city the colored musicians in the other cities should show their loyalty by refusing to buy music from the Remick people.

Many white business institutions, as do many white individuals, underrate the value, influence and status of the colored citizens in this country, and the sooner we emancipate them from their peculiar notions about us the better. There is no more effective method of doing this than by withholding the currency of Uncle Sam from their ever-yawning pocketbooks, a receptacle where the color line is entirely forgotten.

The Negro press of this country should so organize as to be able to inform the members of the race of all business firms that see fit to discriminate in the various cities. There are times when radical measures are necessary, and a general boycott on all such discriminating concerns would bring them to their senses. "In union there is strength," and it is high time for the Negroes of this country to find out if he saying is full of truth or meaningless.

FASTIDIOUS LAWYERS.

(New York Evening World.)

Lawyers are queer animals. One would suppose that a class of professional men who depend for support and reputation largely upon the respect and confidence of the community would wish to be popular. Apparently they don't care whether they are popular or not. And the fact is that they are not.

The efforts of the American Bar Association to throw out three Negro lawyers from its membership have met with no sympathy from the public. On the other hand, Attorney-General Wickersham's insistence that the standing of the colored lawyers should be recognized has received general approval.

If the lawyers were as careful about some of their other associations as they are about consorting with dark-skinned members of their own profession, there might be less of the widespread feeling of cynical mistrust that undoubtedly exists toward them. A little of this commendable fastidiousness practised in professional matters where a color line marks the boundary of shadiness would become them far better than the present intemperate exhibition of race prejudice.

Wholesome fear of contamination in other directions might well spread a new light of openness and integrity over the profession, including its Brightest crown—the Bench. With fear of contamination we might hear less about the need of recalling judges. Fear of contamination might do much toward clearing up the fogs of obscurity and delay, the technical sharp practice which now bewilder and disgust the public, and which even the ablest professors deplore.

The truth is that at present the average citizen looks upon the lawyer as a queer, highly trained creature, indispensable for certain purposes, but distressfully wriggly and unreliable. The average man has an [illegible] born of experience. He's chief delight is [illegible] the heads of lead dust.

[illegible] the American Bar Association were to turn a little of the scrupulousness and zeal devoted to kicking out Negro members in the direction of weeding its own garden, it would cut a better figure in the eyes of the nation.

WINS DISCRIMINATION SUIT.

Last week the Court of Appeals of New Jersey upheld the decision of the lower court in awarding Mrs. Minnie Miller of Paterson, N. J., $500 against the Paterson Show Company for unlawfully discriminating against her on account of color. The defendant concern conducts a moving picture house and attempted to keep Mrs. Miller out of the theatre. Some months ago she sued the company and was awarded damages. The defendant appealed to the Court of Appeals.

REMICK REMOVES DANCING DO

RESIDENTS of Cleveland, O., who are wont to pass the store of the Remick Music Publishing Company, located in the Public Square of the Forest City, will in the future miss the grotesque jumping jack of ebony hue which has been prominently displayed in the show window for several weeks. Instructions were issued this week by Jerome H. Remick, President of the Remick Music Publishing Company, advising his Cleveland manager to remove the jumping jack with neatness and dispatch.

Mr. Remick's order to his Cleveland manager to take promptly the comic figure from public view was done to satisfy some of the colored citizens of Cleveland who have not taken kindly to the jumping jack of jet, claiming that the act of exhibiting it to the gaze of the multitude was in the nature of an out-and-out insult to the colored citizens of that city.

The Remick people assert that they first learned that some of the colored residents of Cleveland took offense at the dancing doll of dusky countenance and minstrel mouth was when they read in last week's issue of THE AGE that the Cleveland *Gazette* had published an article declaring that Jerome H. Remick & Company had a notice in its Cleveland window to all self-respecting members of the race to stay out of its song shop with the request that all colored papers republish the article.

Upon reading the article in THE AGE the heads of the Remick Music Publishing Company at once conferred with THE AGE and registered an emphatic denial that they had consciously done anything to arouse the ire of the Cleveland Negroes. They also declared that they were ignorant of the specific offense with which they had been charged. THE AGE, upon wiring to the Cleveland *Gazette* to ascertain what the exact grievance was against the Remick Music Publishing Company received the following wire:

To the Dramatic Editor of The Age:
Remick's Cleveland store has a very insulting Negro caricature in its window on the most generally used thoroughfare in this city, and insists on keeping it there for many weeks. It ridicules our people. They are very angry as a result.

HARRY C. SMITH,
Cleveland, O.

Upon being shown the telegram from Editor Harry C. Smith, Jerome H. Remick, who is in New York, said: "It is rather difficult for me to believe that the colored citizens of Cleveland are wrought up over the little dancing doll in the window of our Cleveland store, as the firm had no intention of insulting the colored people. We have black dancing dolls in our windows in Detroit, but as far as we can learn no exceptions have been taken to their presence by the colored people of Detroit.

"Our firm has song shops in many cities throughout the country and besides selling music we also sell post cards and trinklets. The little black dancing doll was put in the window of our Cleveland store to attract attention the same as we have advertised billikens for sale. It is never our policy to ridicule races."

F. E. Belcher, local manager of the Remick Music Publishing Company, in speaking in defense of his firm, said: "The Remick Music Publishing Company has always tried to treat the colored people fairly. This can be borne out when I say that we publish the compositions of many colored writers and accord them the same consideration as we do white composers. A glance over our catalogue will show the names of many colored song writers which should dissipate any idea that we are prejudiced on account of color.

"Although the article appearing in last week's AGE referred to an incident in Cleveland, yet when read in New York and other cities makes it more than a local matter. There are many colored singers and music lovers in New York and we do not care for them to get the wrong impression about us."

In speaking to the dramatic editor of THE AGE, Mose Gumble, manager of the professional department, said: "Several colored singers have read the article in last week's AGE about the Remick Music Publishing Company showing some discourtesy toward the colored people of Cleveland and have asked us to make investigations, which we have done. We well knew that no instructions had been given out from the New York or Detroit offices to insult the Cleveland colored people and were surprised to learn that the objections were based on the presence of a black dancing doll in the show window. The treatment colored performers receive when visiting the professional rooms of the firm should prove a good argument that we want to treat all right regardless of race or color."

In commenting on the charge of the Cleveland *Gazette* last week, it was stated in these columns that if the Remick firm was guilty of insulting the colored citizens of Cleveland that the colored people throughout the country should cease to patronize America's largest music publishing house. However, after being acquainted with the offense charged against the Remick Publishing Company, I feel compelled to say in all fairness to the Remick people that the crime charged by the *Gazette* should be regarded more in the nature of a misdemeanor (judicially speaking) than an offense calling for drastic action.

JUDICIAL RECALL

Denounces Movement as Dangerous to the Country

ALL STATES REPRESENTED

Recall Would Deprive Public of Good Judges

NEGRO ATTORNEYS WIN

Hereafter, However, When Negro Is Nominated For Membership His Race Must Be Indicated

MILWAUKEE, WIS., Aug. 27.—Fifty-four lawyers with at least one from every State today completed for presentation to the American Bar Association a report denouncing as "dangerous to the country" all movements for the recall of judges or of judicial decisions.

The report cites that in Ohio the constitutional convention declined to apply recall to the judges but provided that laws should be passed for prompt removal on complaint and hearing of judges for any misconduct involving moral turpitude. The report says this substantially is the system used in Massachusetts, New York and several other states.

Those who signed the report include Frank B. Kellogg of Minnesota; William B. Hornblower of New York, Lawrence Maxwell of Ohio, Edmund F. Trabue of Kentucky and Jacob M. Dickinson, former secretary of war, who is named as one of those who originated the committee "to expose the folly of judicial recall."

"We are pleased to report," says the committee, "that the bar associations of many cities have taken action opposed to the principle of judicial recall. In numerous other states, action undoubtedly will be taken.

"We maintain that the recall applied to judges will tend to deprive the public of judges of ability, character, high sense of duty and a due regard to enlightened public sentiment and that such a judiciary is absolutely necessary to the existence of [illegible]

"The application of the recall to an ordinary official may be a question of expediency but it is not fundamentally wrong. To apply it to the judiciary is in violation of the principles of government which ages of experience have demonstrated to be wise. In the States and in federal government we have the right of impeachment and in several of the States the right of removal of a judge by the legislature. If the right of impeach- [illegible] an adequate

BAR ASSOCIATION IS OPPOSED TO

ment is not sufficient. . . . remedy can be created for the removal of a judge for conduct inconsistent with his office after complaint is made and he is given an opportunity to be heard in his own defense. In this way the independence of the judiciary is maintained and a judge is removed simply for incapacity or misconduct in office.

Courts Greatest Bulwark.

"The advocates of this system claim that it is in the interest of the common people. This we deny. For more than 200 years the greatest bulwark for the protection of the mass of the people has been the courts. There never was a time in our country when any man, however poor or humble, could not apply to the courts and be assured of protection. Is it any reproach upon the courts that they have extended the same protection to the rich and powerful when assailed by popular prejudice?"

Ten minutes was devoted to settlement of the question whether negro lawyers should be admitted to membership. A resolution presented by Mr. Dickinson was adopted, providing that hereafter when a negro is nominated for membership his race must be indicated to the executive committee.

Attorney General George W. Wickersham declared the resolution created a permanent member of William H. Lewis, an assistant to the attorney general who with two other negroes had been unseated by the executive committee because of their race. Lewis, Butler R. Wilson of Boston, and W. T. Morris of Minneapolis, Minn were then said to be regularly seated members.

Many endeavored to discuss the subject but the motion was carried before they were recognized.

Fight on Negro Question.

The race question precipitated a fight, which was abruptly ended by an appeal of former Secretary of War Jacob M. Dickinson to close it because further discussion would bring criticism against the association.

Mr. Wickersham said:

"I hope this resolution will pass, for it recognizes the legality of these negro members. It was I who was chiefly responsible for bringing this subject up."

Mont. Adv 8-27-12

MILWAUKEE, WIS., Aug. 26—"I deny the right of the American Bar Association, after it has once seated a member, to oust him on the ground that it has been discovered that he is a negro," said Attorney General Wickersham, who arrived today to attend the opening here tomorrow of the association's thirty-fifth annual meeting.

Mr. Wickersham came to defend the title of William H. Lewis to a seat in the association. Lewis is an assistant to the Attorney General. His membership was revoked by the Executive Committee on the charge that the committee elected him without knowing him to be a negro.

Two other negro members similarly are affected. They are Butler R. Wilson, Boston, and William R. Morris, Minneapolis. The Executive Committee, headed by S. S. Gregory, of Chicago, President of the Association, has prepared a special report declaring it has been against the association's policy to admit negro members, and saying that Lewis, Wilson and Morris were seated on recommendation of local councils without the fact that they were negroes being made generally known. The report asserts the eligibility of the men to membership is not affected by the report, and leaves open the question whether the association wants to admit negroes hereafter.

Ralph W. Breckenridge, Omaha, Neb., submitted a minority report, opposing the committee's action. That he would fight any attempt to oust the negro members was made known by Mr. Wickersham.

"Whether the association wants hereafter to admit negroes as members, is an other question," he said "but there is no doubt that the present Executive Committee exceeded its power when it undertook to rescind its action."

Those who voted to vacate the seats of the negro attorneys were Lynn Helm, Los Angeles, Cal.; John Hinkley, Baltimore, Md.; Hollis R. Bailey, Boston; Alds B. Browne, Washington, D. C.; Edgar H. Farrar, New Orleans; Secretary George Whitelock, Baltimore, and President Gregory.

Simon E. Baldwin, New Haven, Conn., delivered his tenth address as director before the comparative bureau today.

WICKERSHAM DENIES RIGHT TO OUST NEGRO

Will Fight for Him at American Bar Association

IS ASSISTANT TO HIM

Membership Revoked Because Elected Not Knowing He Was a Negro

A NOTABLE DECISION

Age 1-23-12

ONE of the most important decisions ever rendered treating with the infringement of the civil rights of the colored citizens of New York, was handed down Monday in the Court of Special Sessions, when Justices Hoyt Duell and McInery ruled that Harry A Levy, Assistant Treasurer of the Lyric Theatre, was guilty of violating the Penal Code by refusing to allow Louis F Baldwin to occupy a seat in the orchestra because of his color.

Levy was convicted for violating that section of the Penal Code which makes it a misdemeanor to exclude a citizen from privileges on account of race, color or previous condition of servitude, and the decision is notable in that it is the first conviction ever secured under the section, all the other cases in which colored persons sued having been of a civil nature.

After holding that the evidence showed conclusively that Levy had been guilty of excluding Baldwin from the orchestra on account of color only, the court admitted the defendant to bail until Thursday, when sentence will be passed. No jail sentence goes with the offense, but the misdemeanor is punishable by a fine of $50 to $500.

The decision has created widespread alarm among the theatrical managers, as they fully realize that Levy's conviction has awakened the colored citizens of New York to the fact that they are being unjustly discriminated against, and that they can get more redress by bringing criminal action against the managers who violate the law than by instituting civil suits for damages as heretofore.

Much Interest Shown in Case.

The courtroom was crowded by managers and theatrical people during the trial of the case, as all present knew that the decision was of more than passing consideration. To say that the theatre men were surprised when the judges unanimously agreed that Levy was guilty of violating the law would be putting it mildly, for they readily understand that if the colored citizens of New York so desire they can have any manager who refuses to sell them a seat on the first floor arrested. The spectacle of some of the Broadway managers being hailed to court daily at the instance of colored playgoers who have been denied the right to occupy the first floor is quite probable.

Baldwin testified that he purchased two tickets in the orchestra for the evening of October 13; that on the evening in question, accompanied by a Miss Green, he presented the tickets and was compelled to wait some time, and was then informed by an usher that he was wanted in the lobby of the theatre. Baldwin testified that when he went to the lobby he was approached by Levy and told that Negroes were not allowed in the orchestra of the house, and was offered his money back, which he refused.

Levy's memory did not appear to be the brightest when testifying relative to telling Baldwin that Negroes were not permitted to occupy seats on the first floor of the Lyric Theatre, and declared that he had nothing to do with the refusal of the seats, placing the blame on the usher.

During the trial an attempt was made by Levy's attorney to prejudice the mind of the court by recalling that Baldwin, while living in Boston, had brought suit against a white man for denying him his civil rights. Levy and his attorney were much taken back when Justice Hoyt remarked: "Any colored man who has a person arrested who is infringing upon his rights merely because of his color is within the law since the enactment of the Fourteenth Amendment."

Good Work of District Attorney' Office.

To District Attorney Whitman and two of his assistants, Deputy Assistan District Attorney James E. Smith and Deputy Assistant District Attorney Cornelius N. McDougald, the credit of winning such a big victory for the colored citizens of New York should be given. The theatre managers are perfectly cognizant of the fact that they violate the law when they deny colored citizens the right to sit in the orchestra, but they have had little fear of losing civil suits brought against them in the lower courts. The influence of the theatrical trust is well shown when the local newspapers gave but little space to the conviction of Levy, although about two weeks ago when it was announced, without good cause, that Baldwin contemplated dropping the case, several of the papers published big-head articles. It is rumored that an attempt was made to get District Attorney Whitman to show less sincere interest in the suit, but that he refused to entertain such advances.

The day after Baldwin had been refused seats at the Lyric Theatre he called at the District Attorney's office and told of Levy's conduct. The case was referred to Deputy Assistant District Attorney McDougald, who drew the information and recommended Levy's arrest. Magistrate Appleton, before whom Levy was subsequently arraigned, issued the warrant. It was here the first complication arose. Magistrate Appleton though the case should be dismissed, suggesting that the arrest had been caused under the wrong section of the Penal Law, and that the charge should have been made for aiding and abetting and not for excluding.

Mr. McDougald maintained that the action had been properly brought, and after much discussion Magistrate Appleton stated that he would hold Levy for trial in the Special Sessions simply because the District Attorney's office insisted upon it. At the trial Monday, in which Deputy Assistant District Attorney Smith conducted the case for the State, the three justices ruled that Levy was guilty of the exclusion act.

Discriminations have become more and more frequent in New York City in recent years, and the managers of theatres and other public places have become emboldened and indifferent to the law, due to the failure of the colored citizens to take advantage of the laws on the statute books for their protection. However, it is thought that the conviction of Levy will be a warning, and the infringements of other civil rights will be retarded, as a conviction in a criminal case carries with it a sure penalty, and the odium of being arrested and convicted is not appealing to the theatre managers.

The Lyric Theatre is managed by the Shuberts, who control approximately over 150 theatres, and it is no small compliment to District Attorney Whitman's office to convict so powerful a theatre trust. And last, but not least, there should be many bouquets of compliments and tons of sincere praise heaped upon the three justices of the Court of Special Sessions, who found Levy guilty of breaking the law—Justices Hoyt, Duell and McInery.

Discrimination 1912

COLORED WOMAN WINS DAMAGE SUIT

The Advocate 8-2-12

WAS BARRED FROM THEATRE

July 27 12

Trenton, July 22.—A penalty of $500 recovered by Minerva Miller, a Negress, who was excluded from a Passaic theatre because of her color was upheld in the Supreme Court in an opinion filed by Justice Kalisch to-day. The action was brought against Christopher Stampul, proprietor of the establishment, who sustained one of his agents in barring the Negress from the resort.

The evidence showed that the regular price of admission to the snow-house was five cents. When the Miller woman tendered the price of a ticket at the box office she was asked to pay twenty-five cents.

The substantial facts in the case were not disputed, but Stampul's counsel made several motions to nonsuit. The grounds for these motions were carefully examined by the Supreme Court, which concluded that they were based upon the mistaken theory that the suit was analogous to one instituted by an informer to recover a penalty.

These motions, Justice Kalisch said, were clearly erroneous, since the proceedings were brought under the act of 1884, designed to protect all citizens in their civil and legal rights. The civil rights act, it was remarked, is not affected by the requirements of the act relating to action brought by informers. Continuing, Justice Kalisch said:

"The statute upon which the plaintiff's action is founded is a public one. The state of demand sets out sufficient facts showing that the plaintiff had a cause of action arising out of a violation of that statute. The penalty to be recovered under the statute is in the nature of liquidated, compensatory and punitive damage. It places all violations of the statute upon the same pecuniary basis, without regard to any aggravated circumstances attending them. The only person entitled to sue is the one who has been discriminated against for any one of the reasons specified by the statute.

NEGRO LAWYER VICT

Jan 19 12

William H. Lewis Retains
Bar Association—Elec

ler R. Wilson and Wilma
Also Declared Valid—
Makes Great Fight.

8-2-12

Special to THE NEW YORK AG

MILWAUKEE, Wis., August 27.—At
torney General Wickersham won his
fight Tuesday at the opening session
of the American Bar Association to re-
tain William H. Lewis, Assistant At-
torney General, as a member of the
organization. The session, which was
one of the most exciting in the history
of the association, refused to draw the
color line.

Two other Negroes, Butler R. Wil-
son, of Boston, and William R. Morris,
of Minneapolis, also remain members
of the association. The association
lodged the color line question in that
it passed a compromise resolution re-
quiring local organization to state
whether or not a future candidate for
membership is a Negro. This was freely
admitted to be a compromise, in which
Attorney General Wickersham, former
Secretary of War, John M. Dickinson
and several other leading lights of the
profession joined.

Judge Dickinson in offering the com-
promise said that in view of the fact
that the question was a delicate one
he would advise the body to pass the
resolution without discussion. A call
for question arose and in spite of an
effort the chairman put the question
for a vote.

The measure seems to have passed
by a large majority, and he was im-
mediately [illegible]

A DELICATE POSITION.

Christian Recorder

The Bar Association at its meetin
in Milwaukee last week overruled th
committee's decision concerning th
Negro members, thereby deciding tha
Mr. W. H. Lewis, Assistant Attorne
General of the United States, togethe
with Mr. W. R. Morris, of Minnesot
and Mr. Butler, R. Wilson, of Mass
chusetts, are members of the associ
tion. It stultified itself, however, b
saying that it was not intended tha
Negroes should be members, and tha
hereafter the race of such as are pr
sented for membership must be state
in the application. This position c
the part of what ought to be a mo
high-class body of professional men
unqualifiedly condemned by th
thoughtful press of the country. Fo
it says in effect to the colored mer
bers: "You have slipped in here, bu
since you are in, we won't put yo
out; but we don't want you, and w
won't have any more like you."

Because of this attitude many of th
papers have said the colored men w
resign. We think they should not r
sign, though we confess it is a del
cate position they are in. If the ma
ter were only personal, they would
justified in resigning. But it is n
merely, or chiefly, personal. In a
probability each would have been p
sonally acceptable, indeed was acce
ed, until his race became known. Th
should stay so as to make a reco
for their race as members of the
sociation. They won a victory, a
the association cannot go back
them. So long as they are in t
door is open. If they leave, it is cl
ed forever. They must remember th
every privilege our people have w
has been with a fight and this
nothing new.

They should stay for the assoc
tion's sake. They are superior m
The association needs to know the
But further and more important st
if they leave it will ever be a blot
the record of our American Bar
sociation, the private association e
est to our system of justice. Our
triotism as well as our sense of
play would say to these gentlem
"Stay in."

7-5-12

Again the resolution was passed
only fifty-four delegates, while
membership consists of over 5
One per cent. of the membershi
certainly not enough to force th
men to leave.

Again, the Bar Association is n
social club; it is a professional a
ciation. Here are discussed man
the changes in our legislation,
methods of our country, etc. If t
therefore any place we need re
sentation, it is here.

Therefore, while we realize tha
position is delicate, demanding
one course of action were it a
matter of personal comfort or s
opportunity, when we consider th
cial and professional aspect, toge
with the attitude of the more tho

ial press, we are convinced that
best thing for Messrs. Lewis, W
and Morris to do is to retain
membership in the American Ba
sociation.

MR. LEWIS AND THE BAR ASSOCIATION.

9-5-12

It is a satisfaction to note that
through the brave and constant efforts
of Attorney General George W.
Wickersham, Mr. William H. Lewis
and two other colored men have been
able to retain their membership in the
American Bar Association.

We notice that the resolution bear-
ing upon this subject lays down certain
conditions to be complied with in the
future with regard to persons becom-
ing members of the Association. Of
course, Mr. Lewis has nothing to do
with the future. His problem was to
retain his self-respect and to protect
his race and remain a member of the
American Bar Association the same as
any other American citizen. In this,
Mr. Lewis and Mr. Wickersham have
won a great victory for justice and
civilization and THE AGE thanks At-
torney General Wickersham for his
strong support in favor of a square
deal.

SAYS HIS WIFE HAS NEGRO BLOOD

Divorce Suit of Ira B. Richardson Against Robert K. Richardson will be taken to U. S. Supreme Court

In all probabilities the United States
Court will be called upon to determine
whether the Federal or State constitu-
tion is supreme relative to Southern
laws prohibiting marriages between
whites and blacks.

Isaac B. Rhienhardt, of Paris, is the
counsel for Mrs. Ira B. Mathews
Richardson, who is suing Robert
elworth Richardson, of Riverside Dri
has announced intentions of carrying the
case to the highest tribunal in the land
for a decision.

Richardson, who is charged with de-
sertion, is general manager of the Chris-
tian Food Company. The plaintiff also
brings in the name of Miss Bessie
Whaley, the defendant's secretary. The
couple were married in Memphis, Tenn.,
[illegible] 1907.

In his reply Richardson denies the
validity of his marriage on the ground
that his wife has Negro blood. Mrs.
Richardson denies the charge, claiming
that she is descended on her mother's
side from Bourbon stock and on he
father's side from Okeechobulee, a fa
mous Seminole chief.

WICKERSHAM TO DEFEND HIS NEGRO ASSISTANT

Was Thrown Out of American Bar Association.

FIRST BLACK MEMBEF

Will Raise Issue Which Promises to Result in Bitter Fight.

Mrnl. Adv. 8-25-

WASHINGTON, Aug. 24.—Attorney
General Wickersham left today fo
Milwaukee to attend the convention
of the American Bar Association and
take up the defense of William H
Lewis, a negro assistant attorney
General of the United States.

The executive committee of the as-
sociation in January rescinded its ac-
tion in admitting Lewis to member-
ship on the ground that it had not
known Lewis was a negro.

The attorney general believes the
committee exceeded its powers and
will appeal to the convention in be-
half of his assistant. It is reported
that the committee recently, like-
wise, revoked the membership of two
other members, said to be negroes.

Never before has a negro been a
member of the American Bar Associa-
tion. The issue to be raised at Mil-
waukee promises a bitter fight.

SEN. SUTHERLAND MADE ADDRESS TO BAR ASSOCIATION

Denounced Plan for Recall of Judicial Decisions

NEGRO LAWYER RESIGNS

Based on Unselfish Consideration Best Interests of Body

DOCUMENT IS ACCEPTED

N.Y. Age 8-29-12

Medill Expressed His Appreciation of Attorney's Dignified Attitude in Retiring from The Organization

MILWAUKEE, WIS., Aug. 28.—Severe criticism of those who question the adequacy of the Federal constitution and of "those who seek to replace it with policies dictated by passing whims and heeting emotions" was made by United States Senator George Sutherland, of Utah, in an address before the American Bar Association tonight.

Maintaining that the chief value of the constitution is "in its operation to prevent ill considered and impulsive action" Senator Sutherland denounced the plan for recall of judicial decisions which, he said, in effect would be "to render a judicial decision by a show of hands at the polls."

"It is becoming unfashionable to speak well of the constitution," declared Senator Sutherland. "It is no longer respectable to profess the ancient faith in the learning and integrity of the courts. The good faith of the people themselves in seeking these radical changes is not to be questioned but we may justly doubt their wisdom in having lent a too ready ear to the professional demagogue whose strident voice has filled the land with his ill considered and impractical theories."

A motion to urge President Taft and Congress to increase the salaries of Federal judges provoked heated debate and resulted in tabling the question.

A committee was appointed to ask Congress to empower the United States Supreme Court to prepare and put into effect a complete correlated system of pleading and procedure for the common law side of the Federal courts as is now being done for the equity side."

The purpose is to provide for uniform rules of pleading in State and Federal courts.

The race question again came up before the association today. William R. Morris, of Minneapolis, one of the three negro lawyers unseated by the executive committee, which ruling was reversed by the association, sent a telegram announcing his resignation, saying it was based on "an entirely unselfish consideration of the best interests of the association.

On motion of Joseph Merrill, of Thomasville, Ga., the resignation was accepted.

"I am opposed to the admission of negroes to this organization," said Mr. Merrill, "but I want to express our appreciation of his dignified attitude in resigning."

Morris was one of the three negro members who had been unseated by the executive committee because of their race.

One of the others was William H. Lewis, an assistant United States district attorney, who still retains his membership.

SOUTHERN WHITES KICK AT COLUMBIA

Register Almost Successful Kick Against Colored Students Occupying Dormitory

N.Y. Age 9-1-12

Race prejudice broke out at the summer school of Columbia University this week. There are 3,500 students in attendance, a number of whom come from the South. When the Southern whites found out that some colored students had been assigned quarters in Hartley Hall, one of the male dormitories, they registered a big kick. The university authorities were disposed to agree to the demands of the kickers, and asked, it is said, the colored students to give up their quarters. The authorities promised to aid them in finding suitable quarters.

The proposal that they give up rooms to which they had already been assigned did not suit the colored students, and they registered a protest against the university condoning race prejudice. The authorities told the colored students that they deplored the fact of there having been a kick made, and finally compromised with the students by assigning them to fine quarters on the tenth floor of the dormitory. It is said that the Southerners objected on the ground that the colored students may use the shower baths, etc., and the colored students, it is said, informed the authorities that they objected to using shower, baths etc. used by Southern whites, but that they were not small enough to make a kick. While the compromise resulted in the colored students being virtually segregated, they all declare that they will strongly urge that they be treated as other students. All of the men are college graduates and are taking graduate work.

The colored men include Profs. H. C. Scurlock, John Logan, T. M. Gregory, W. Robinson, all of Howard University, Washington; D. O. W. Holmes, Ralph V. Cook, Carrington L. Davis and Ralph W. Reckling, teachers in the Baltimore Colored High School.

NEGROES CHARGED 20; WHITE PATRONS 10 CTS

Scale of Prices in Force a Moving Picture House in Harlem

N.Y. Age 8-29-12

SUIT TO BE BROUGHT

Evidence that Colored Citizens are Being Discriminated Against on Account of Color Found by Age Representative.

The small motion picture theatre in Seventh avenue, between 132nd and 131st streets, has inaugurated a system by which all known Negro patrons are compelled to pay double admission in order to gain admission. The regular rate displayed on the ticket office is ten cents for adults and five cents for children. There are no performances in the afternoon, but commencing 6.45 in the evening the doors are thrown open to patrons. The management coldly and defiantly informs all known colored patrons that they must pay twenty cents to enter and must sit in the gallery. Should anyone have the temerity to inquire the reason of the extra charge they will inform you that it is because of the reserved seats you are obtaining in spite of the fact that many years on the lower floor.

Young Colored Woman "Passes" and Gets Evidence.

In the meanwhile THE AGE representative had obtained the services of a very fair colored woman and requested that she attend the theatre and obtain the scale of prices of admission. The young lady was informed by the box-office attendant that admission was ten cents all over the house and also made reply to request for a twenty cent reserved seat that there was no twenty cent seats in the house—admission up and down stairs being one dime. She therefore, paid twenty cents for two seats, the tickets for which were torn by the attendant from a ticket roll.

After receiving the two tickets the young lady entered the theatre, using one ticket and asked the usher where she could sit. The usher informed her that she could take any seat in the house as there were none reserved.

The same evening THE AGE representative attended the theatre and was compelled to pay twenty cents each for two tickets from the very same roll which the box-office attendant had sold the young lady two tickets earlier in the evening for a dime apiece.

Upon being requested to give a reason for the discrimination the young man at the door insolently replied that he could charge whatever he pleased for entry to his theatre and that as the colored people had made so much fuss about it that he would hereafter charge fifty cents. The names of three witnesses who had been overcharged that same evening, all of whom had been refused admission at the displayed rate of ten cents, were obtained. They were Percy James, 151 W. 132nd street; E. James, 144 W. 132nd street, and V. Christian of the same address.

Any number of witnesses can be obtained to verify the facts and conditions existing. Little children who show any trace of being colored cost their parents ten cents for admission while the white children of the neighborhood are admitted for five cents.

This glaring case of discrimination on account of color has been placed in the hands of a lawyer for prosecution.

THE AMERICAN BAR ASSOCIATION PUT ON TRIAL.

N.Y. Age 3-28-12

It is a matter of national concern that the executive committee of the American Bar Association has placed the latter on trial before the bar of public opinion, not only of the United States but of the world, in the matter of race prejudice, to which the executive committee has committed itself, not as a policy, but as a conviction, a fetich. The question of the eligibility of Negroes to membership in the association has been arbitrarily raised by the present committee, in revoking the membership of Assistant Attorney General William H. Lewis, to which he had been elected by the preceding executive committee, and by passing the question up to the Association for final settlement.

We have before us a circular letter written by Mr. S. S. Gregory of Chicago, president of the Bar Association, explaining, as far as he could, the action of the executive committee, and justifying it, and in protesting against the attitude of Attorney General Wickersham and his postal card poll of the membership of the Association. He says the objection to the election of Mr. Lewis came originally from a well known New York lawyer, but does not name him, and that Mr. Lewis declined to appear before the committee and "relieve the situation by retiring voluntarily"—a blackguard way of putting it, one would not expect from the president of the American Bar Association, with the cultured breath of life of Chicago in his nostrils. He claims that Mr. Lewis was elected a member "under a misapprehension," and that "the committee would never have assumed the power, without any action by the association, to reverse the settled policy of the association from its organization, by electing him, had it known the facts."

It is worth while to have uncovered the fact that the American Bar Association has maintained, as "settled policy," the color line from its organization, and to compel the whole membership to go on record as to that "settled policy," which it will have to do at its next annual meeting. The civilized world is interested in the manner the American Bar Association will put itself on record upon the color question for the first time.

The American Bar Association is the last place in the United States where an honest man would have looked for a "settled policy" of race prejudice. It is a place where justice should rule all of the "settled policy" of its membership, individually and collectively. What the Federal Constitution and Federal statute laws proscribe, and they do proscribe "discrimination on account of race, color or previous condition," the American Bar Association should

Miss Lucille Pugh, the young North Carolina woman lawyer who was assigned to Judge Seaman in the Court of General Sessions, in New York, to defend Leroy Poindexter, indicted for the murder of Thomas Brown, in a craps game, all Negroes, has raised the point that Poindexter has been discriminated against. [illegible] on the grand jury that indicted him and none on the special jury selected to try him. Miss Pugh says that if her motion was denied she will take the case to the Federal Courts under the Fourteenth Amendment. Assistant District Attorney Moss says there has been no discrimination. Perhaps not. Perhaps the fact that, although there are 85,000 Negroes in the county, it is rare that one gets on any of the juries is evidence of the discrimination in drawing juries. It is worth while to thresh out the matter anyhow.

New York Age 4-25-12

LEVY APPEALS DECISION.

Notice of appeal was served on the District Attorney Monday in the Baldwin case in which Assistant Manager Levy of the Lyric Theatre was fined for discriminating on account of color. The District Attorney will appear personally for the People and Assistant District Attorneys Robert C. Taylor and Cornelius W. McDouglas with him on the brief.